

REMARKS

The Office Action dated September 3, 2003 has been carefully considered. In reply, applicant has amended independent claims 1, 12, 15, 20, 25, and 29 to more clearly distinguish the pocket structure of his chalk stick carrier from the prior art. For the reasons set forth hereinafter, it is respectfully submitted that applicant's claims, as amended, patentably distinguish from the prior art of record and are allowable. Accordingly, reconsideration and allowance is respectfully solicited.

Each of the independent claims 1, 12, 15, 20, 25, and 29 has been amended to clearly set forth that each of the pockets has a bottom wall spaced from the inner surface of the body of flexible material, end walls extending vertically from the inner surface to the bottom wall, and side walls extending vertically from the inner surface to the bottom wall. The end walls and side walls are spaced apart from one another providing for each pocket to be elongate. Further, by the foregoing amendment, each pocket has a width and a depth which is equal to its width. Further, claim 2 has been amended, together claims 12, 15, 20, 25, and 29 to overcome the rejection under 35 U.S.C. Section 112, whereby withdrawal of the latter rejection is in order and is respectfully requested.

Claims 1-4, 12 and 13 stand rejected under 35 U.S.C. Section 103 as being unpatentable over Rode '973 in view of Hadden '922. Rode does not disclose pockets as structurally defined in independent claims 1 and 12, and the elongate, continuous recesses in Rode have a width at least twice that of the depth (column 1, lines 40-43). Hadden, discloses a cardboard carpet sample carrier having slots in a top wall for receiving a portion of and supporting samples at an angle to the upper surface of the carrier. It is respectfully submitted that there is nothing in the disclosure of Hadden to suggest any reason for changing Rode's continuous recesses to separated pockets and, more

importantly, any modification of Rode in view of Hadden to provide Rode with a plurality of pockets, as contemplated by the examiner, would not change the width to depth relationship of Rode's recesses. It is respectfully submitted, therefore, that claims 1 and 12 patentably distinguish from this combination of art and are allowable, together with claims 2-4 which are dependent from claim 1 and claim 13 which is dependent from claim 12. Furthermore, claim 2 as amended further distinguishes from the prior art by setting forth the pocket dimensions. Accordingly, allowance of these claims is respectfully requested.

Claims 5, 6 and 15 stand rejected under 35 U.S.C. Section 103 as being unpatentable over Rode in view of Hadden and Kroop, et al. '689. Claims 5 and 6 are dependent from claim 1, and claim 15 as herein amended includes the pocket structure of applicant's carrier which patentably distinguishes applicant's claimed carrier from Rode and Hadden for the reasons set forth above with regard to claim 1. Accordingly, claims 5, 6 and 15 patentably distinguish from Rode and Hadden for the same reasons. Kroop, et al. disclose a rigid base or box with an underlying layer of fabric which can be folded upwardly and across the box to close the same. Any modification of Rode and Hadden to provide an under layer of fabric material on the carrier of Rode would not change the width to depth relationship of Rode's recesses. Accordingly, claims 5, 6 and 15 patentably distinguish from this combination of art and are allowable, whereby allowance thereof is respectfully requested.

Claims 7 and 8, which are dependent from claim 1, are rejected under 35 U.S.C. Section 103 as being unpatentable over Rode and Hadden and further in view of Allen '223 and Gutentag '765. Claims 7 and 8 patentably distinguish from Rode and Hadden for the reasons set forth hereinabove

with regard to claim 1. Allen discloses a tool holder in which the pocket, as evidenced by the protrusion of the tools above the upper surface of the holder have a width greater than the depth thereof. Likewise, Gutentag discloses a carrier tape having apertures or cavities having a width considerably greater than the depth thereof. Accordingly, any modification of Rode and Hadden in view of Allen and Gutentag would not alter the fact that the end product would have pockets having a width greater than the depth thereof. Therefore, claims 7 and 8 patentably distinguish from this combination of prior art and are allowable.

Claims 9 and 10 stand rejected under 35 U.S.C. Section 103 as being unpatentable over Rode, Hadden, Allen, and Gutentag, and further in view of Kroop, et al. For the reasons set forth hereinabove, any modification of Rode and Hadden in view of Kroop, et al., Allen and Gutentag would not change the pocket width to depth relationship in Rode. Accordingly, claims 9 and 10 patentably distinguish from this combination of art and are allowable.

Claim 11 is rejected under 35 U.S.C. Section 103 as being unpatentable over Rode and Hadden as applied to claim 1 and further in view of Stricklin, et al. '065 and Hunt '239. Claim 11 is dependent from claim 1 and patentably distinguishes from Rode and Hadden for the reasons set forth hereinabove with regard to claim 1. Stricklin and Hunt disclose flexible pouches which are rollable and include Velcro and/or strap fastener components. Neither of these patents in combination with Rode and Hadden overcomes the shortcomings of the latter with regard to parent claim 1, whereby claim 11 patentably distinguishes from this combination of art.

Claim 14 stands rejected under 35 U.S.C. Section 103 as being unpatentable over Rode in view of Hadden and further in view of Stricklin, et al. and Hunt. Claim 13 is dependent from claim

12, patentably distinguishes from Rode and Hadden for the reasons set forth with regard to claim 12 and, as set forth above with regard to Stricklin and Hunt, neither of these references overcomes the shortcomings of Rode and Hadden with regard to parent claim 12. Accordingly, claim 14 patentably distinguishes from this combination of art and is allowable.

Claim 16 stands rejected under 35 U.S.C. Section 103 as being unpatentable over Rode in view of Hadden and Kroop, et al. Claim 16 is dependent from claim 15 and accordingly, distinguishes from this combination of art for the reasons set forth hereinabove with regard to claim 15. Therefore, claim 16 patentably distinguishes from this combination of prior art and is allowable.

Claims 17-19 stand rejected under 35 U.S.C. Section 103 as being unpatentable over Rode, Hadden and Kroop, et al. and further in view of Stricklin, et al. and Hunt. Claims 17-19 are dependent from claim 15 and, accordingly, distinguish from Rode, Hadden and Kroop for the reasons set forth hereinabove with regard to claim 15. For the reasons set forth hereinabove with regard to Stricklin and Hunt, the latter references do not overcome the shortcomings of Rode, Hadden and Kroop, et al. with regard to the parent claim. Accordingly, claims 17-19 patentably distinguishes from this combination of prior art and are allowable.

Claims 20, 25 and 29 stand rejected under 35 U.S.C. Section 103 as being unpatentable over Rode in view of Kroop, et al., Allen and Gutentag. Claims 20, 25 and 29 as herein amended distinguish from Rode for the reasons set forth with regard to claims 1, 12 and 15. For the reasons set forth hereinabove with regard to the disclosures of Kroop, et al., Allen and Gutentag, these references, either or alone or in combination, do not suggest or make obvious any modification of Rode which would alter the fact that the resulting pockets have a width greater than the depth thereof

which is contrary to applicant's claims. Accordingly, claims 20, 25 and 29 patentably distinguish from this combination of prior art and are allowable.

Claims 21, 26 and 30 stand rejected under 35 U.S.C. Section 103 as being unpatentable over Rode, Kroop, et al., Allen, and Gutentag, further in view of Hadden. Claims 21, 26 and 30 are respectfully dependent from claims 20, 25 and 29 and patentably distinguish from the combination of Rode, Kroop, et al., Allen, and Gutentag for the reasons set forth hereinabove with regard to the parent claims. As set forth hereinabove with regard to Hadden, the latter does not suggest any modification of the basic combination of prior art which would provide the structure of applicant's pockets as defined in the parent claims. Accordingly, claims 21, 26 and 30 patentably distinguish from the foregoing combination of prior art and are allowable.

Claims 22-24, 27, 28, and 31-33 stand rejected under 35 U.S.C. Section 103 as being unpatentable over Rode, Kroop, et al., Allen, Gutentag, and Hadden and further in view of Stricklin, et al., and Hunt. While it is noted that this rejection requires a combination of seven references which amounts to a piecemeal reconstruction of the prior art using applicant's claims as a blueprint, it remains that none of these references alone or in combination provides a modification of Rode which would provide a carrier having the pocket structures specifically defined in claims 20, 25 and 29 which are the parent independent claims, respectively, for claims 22-24, claims 27 and 28, and claims 31-33 in this rejection. Therefore, the latter claims patentably distinguish from the combination of prior art cited thereagainst and are allowable.

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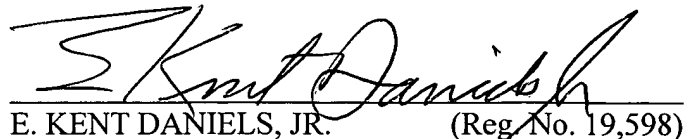
For the reasons set forth hereinabove, it is respectfully submitted that claims 1-33 patentably distinguish from the prior art of record and are allowable, whereby reconsideration and allowance is respectfully solicited.

Formal drawings are being resubmitted herewith.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

FAY, SHARPE, FAGAN, MINNICH & McKEE, LLP

A handwritten signature in black ink, appearing to read "E. Kent Daniels, Jr.", is written over a horizontal line.

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